

INFORMATION ITEM

Paradise Cut Implementation Challenges

Summary: This panel discussion will highlight issues that have surfaced in the Paradise Cut region of the south Delta related to converting agricultural lands to habitat through floodplain reconnection and its relationship to the Delta Plan. Specific issues include agricultural, flood, and conservation easements, impacts on surrounding parcels, and implications for the Williamson Act. The panel will include representatives from American Rivers, Point Blue Conservation Science (Point Blue) and the Central Valley Farmland Trust (CVFT).

Background

The goal of the Paradise Cut Bypass Expansion Project (PCBEP) is to reduce flood risk while improving habitat and maintaining agricultural land along the San Joaquin River south of Paradise Cut near Manteca (Attachment 1). The PCBEP will significantly increase the flood conveyance capacity of the lower San Joaquin River by lengthening and widening Paradise Cut and creating a second, new weir to allow more floodwater to overflow into the bypass.

The San Joaquin County Resource Conservation District (SJ RCD) and American Rivers were awarded Proposition 1 grants of \$2 million from the Delta Conservancy and the California Department of Fish and Wildlife, respectively, to purchase flood and conservation easements on up to 2,000 acres in the acquisition zone for the purposes of expanding the Paradise Cut bypass. The proposed acquisition is the first implementation phase of a larger effort to establish a new flood bypass that will reduce flood risk, improve habitat, and maintain agricultural land along the San Joaquin River south of Paradise Cut.

The CVFT holds an agricultural conservation easement on a 1,070-acre parcel within the proposed bypass expansion area. Acquisition of a flood easement on this parcel is essential to advancing the bypass expansion project and a conservation easement is an element of the Proposition 1 grant funding. The CVFT is suggesting that acquisition of the flood or conservation easement, however, could potentially limit the potential future economic productivity of the property and could therefore be inconsistent with the agricultural purposes of the CVFT easement. Addressing the constraints of this easement has delayed progress on this project. American Rivers and the CVFT have agreed to work together and, in December 2017, commissioned an independent team of experts to evaluate the potential conflicts between the proposed flood and conservation easements with the existing agricultural easements.

The PCBEP is a broadly supported initiative that is included in both the Delta Plan and the Central Valley Flood Protection Plan developed by the California Department of Water Resources and approved by the Central Valley Flood Protection Board in 2017. The project is actively supported by a partnership that includes the SJ RCD, South Delta Water Agency, Reclamation District 2062, Southern Delta Levee Protection and Channel Maintenance Authority, River Islands LLC, American Rivers, and the Natural Resources Defense Council.

Relationship to the Delta Plan

As required by the 2009 Delta Reform Act, the Delta Plan includes policies and recommendations to further the State's coequal goals for the Delta: improve statewide water supply reliability, and protect and restore a vibrant and healthy Delta ecosystem, in a manner that preserves, protects and enhances the unique agricultural, cultural, and recreational characteristics of the Delta.

Appendix 5 of the 2013 Delta Plan identifies "Recommended Areas for Prioritization and Implementation of Habitat Restoration Projects" and Paradise Cut is included (Attachment 2).

Today's Discussion

The purpose of today's panel discussion is to brief the Council on the uses of conservation, agricultural, and flood easements; and describe how these different easements control what can be done on the landscape, introducing challenges to moving forward on broadly supported projects. These are challenges that are likely to occur elsewhere in the Delta as projects are proposed on lands with easements. As a result, the Paradise Cut project is a case study to help illustrate the challenges of implementing a broadly supported multi-benefit project. Furthermore, continuing the dialogue with stakeholders and agency staff regarding potential solutions is important in order to keep restoration projects moving forward.

Questions for Consideration:

- What other tools, beyond easements, are available to achieve the desired outcomes of flood risk reduction and increased ecological value while protecting existing land uses?
- How can we maintain agricultural sustainability while also encouraging multi-benefit projects within the Delta?
- Given that the Delta is not a static system, and drivers such as climate change will change the status quo, how can future amendments to the Delta Plan provide an opportunity for addressing these challenges?

Today's Panel

John Cain, director of conservation for California flood management, American Rivers. Mr. Cain will provide a non-governmental organization perspective on this multi-benefit

project, specifically as it relates to achieving flood benefits along with long-term habitat restoration measures.

Charlotte Mitchell, executive director, CVFT. Ms. Mitchell will cover what role the CVFT has in protecting agricultural lands through agricultural conservation easements.

Nat Seavy, Ph.D., research director for the Pacific Coast and Central Valley Group, Point Blue. Dr. Seavy will speak to some of the challenges of permanently conserving landscapes in a system that is changing due to climate change, sea level rise, and other stressors), and new ideas about making conservation programs more responsive to changing conditions.

Fiscal Information

Not applicable.

List of Attachments

Attachment 1: Map of Paradise Cut

Attachment 2: Figure 5.1 from Appendix 5, 2013 Delta Plan

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